



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,781	10/23/2003	Changyong Lee	4220-123 US	7161

7590 08/07/2009
Diane Dunn McKay, Esq.
Mathews, Collins, Shepherd & McKay, P.A.
Suite 306
100 Thanet Circle
Princeton, NJ 08540

EXAMINER

BEKKER, KELLY JO

ART UNIT	PAPER NUMBER
----------	--------------

1794

MAIL DATE	DELIVERY MODE
-----------	---------------

08/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Amendments made April 17, 2009 have been entered.
Claim 4 remains pending.

Claim Rejections - 35 USC § 112 1st Paragraph

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The 112 first paragraph rejection of claim 4 as failing to comply with the written description requirement due to the recitation “washing long grain rice with purified water” has been withdrawn in light of applicant’s arguments made April 17, 2009.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komatsu et al. (US 3892058) in view of Meyer et al (US 6139898) and Applicant’s Admitted Prior Art (Specification pages 1-2). The references and rejection have been included herein and as cited in the office action mailed January 1, 2009. Specifically regarding applicant’s newly added limitations Komatsu teaches that the sterilization is completed by applying high temperature high pressure hot water, which would be steam (Column 15 lines 63-67). Regarding the rice as washed with only purified water, as stated in the previous office action, it would have been obvious to one of ordinary skill in the art at the time the invention was made to wash the rice with water in order to minimize starch loses and/or open up the structure of the grain in order to facilitate heat transfer and water uptake during blanching as taught by Meyer. It would have been further obvious to one of ordinary skill in the art at the time the invention was made for the water to be purified in order to prevent impurities from contacting and/or sticking to the rice.

Note: The previous rejection contained a typographical error. Although the rejection clearly cited and relied upon applicant’s admitted prior art, the statement of

rejection did not include the reference. The typographical error has been corrected herein. The rejection of record remains the same as previously presented.

Response to Arguments

Applicant's arguments filed April 17, 2009 have been fully considered but they are not persuasive.

Applicant argues that the references of record do not teach of the newly added limitations. Applicant's argument is not convincing; The newly added limitations have been addressed above.

Applicants argue unexpected results are obtained from the process of treating rice as instantly claimed, more specifically applicant argues that the claimed sterilization step unexpectedly provides an improved degree of stickiness. Applicant supports this statement with the statement that the affidavit of Changyong Lee. The affidavit is not convincing as the affidavit compares the instant invention with the closest prior art of record, however, in doing such, applicant does not compare the teachings of the prior art of record that fall within applicant's claimed range; i.e. applicant claims sterilization for a cumulative time of 16-80 seconds at 130-150C; Komatsu teaches of sterilization at 130-160C for 1-80 minutes; and applicant compares the instant application at some point between 16 and 80 seconds at 130C, 140C, and 150C respectively to Komatsu at 8.4 minutes, 5.8 minutes, and 4.5 minutes, at 130C, 140C, and 150C respectively; applicant does not compare the teachings of Komatsu at 60-80 seconds, i.e. the teachings which read upon applicant's limitations. The differences in results is thus attributed to the total difference in processing time and not unexpected results.

Applicant argues that Meyer teaches of washing the rice with acidified water and not purified water. Applicant's argument is not convincing as although Meyer teaches of a later step of dipping the rice in acidified water, Meyer teaches of first step of washing the rice only with water that is not acidified in order to minimize starch loss in the rice and open up the structure of the grain (Column 1 lines 46-51 and Column 2 lines 5-14). Applicant is reminded that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references

Art Unit: 1794

would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Every step of Meyer need not be incorporated into the primary reference as the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In the instant case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to wash the rice with water in order to minimize starch loses and/or open up the structure of the grain in order to facilitate heat transfer and water uptake during blanching as taught by Meyer. Furthermore, it is noted that the secondary reference, Meyer also teaches of a later acidified water dipping step in order to adjust the pH of the rice, one of ordinary skill in the art at the time the invention was made would not have been motivated dip the rice as taught by Komatsu in the acidified water if it was desired for the pH of the rice to remain unchanged.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Bekker whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lien Tran/
Primary Examiner
Art Unit 1794

/Kelly Bekker/
Examiner
Art Unit 1794